IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C. W. P. No. 19487 of 2006
Date of Decision: December 08, 2006

Mandeep Kaur .....Petitioner

Versus

State of Punjab and others .....Respondents

Coram: Hon'ble Mr.Justice J.S.Khehar
Hon'ble Mr.Justice S.D. Anand

Present: Mr.N.G.Sharma, Advocate for the petitioner.

-

J.S. KHEHAR , J. (oral)

The petitioner claims appointment as Headmistress against the post advertised by the respondents on 21.10.2006. The claim of the petitioner is, that she is bound to be appointed as she has secured very high marks both in the M.A. Examination, as well as, in the M.Ed. Examination. In this behalf, it is pointed out that the petitioner was awarded 492 marks out of maximum 800 marks in the M.A. Examination, and she

was awarded 387 marks out of maximum 600 marks in the M.Ed. Examination. On the basis of marks obtained by the petitioner, she claims to have earned 61.5 percentage marks in M.A examination, and 64.5 percentage marks in the M.Ed examination. Based on the aforesaid achievement of the petitioner, it is vehement contention of the learned counsel for the petitioner, that there is no way for the respondents to exclude the petitioner from the process of selection and appointment to the

post of Headmistress advertised on 21.10.2006.

We have perused the advertisement dated 21.10.2006. The same lays down the manner of calculating the inter-se merit of the candidates who had responded to the same. A relevant extract thereof, is being reproduced hereunder:-

> Mode of Selection
>
> The recruitment shall be strictly made to respective categories only on merit, without a recruitment test or interview marks. Merit will be prepared by adding the percentage of marks obtained in basic minimum prescribed academic qualification and basic minimum prescribed professional

qualification.

A perusal of the aforesaid extract from the advertisement dated 21.10.2006 reveals, that inter se merit of the candidates who apply for the post of Headmistress, is to be determined on the basis of percentage of marks obtained in the basic minimum prescribed academic qualification, as well as, in the basic minimum prescribed professional qualification. So far as the post of Headmistress is concerned, the following are the minimum basic prescribed academic and professional qualifications:-

Basic qualification and Professional Qualifications:

Degree of any UGC recognized university with B.T. Or B.Ed or Senior Basic Training with the following experience:

1. In case of M.A. Or M.Sc. with M.Ed-six years

2. In case of MA or M.Sc. with B.T./B.Ed- seven years
3. In case of BA or B.Sc. or B.Com with B.T. Or B.Ed- Eight years.
4. In case of DP.Ed or BP.Ed- Eight years from the

date Physical Education was introduced compulsory in the schools.

It is,therefore, apparent in terms of the criteria laid down in the advertisement for determining the inter se merit of the candidates who applied for appointment to the advertised post, the merit of the petitioner is not to be determined on the basis of marks obtained by her, either in the M.A. examination or in the M.Ed. examination.

In view of the above, since the criteria for selection has not been impugned by the petitioner, we are satisfied that the claim of the petitioner, based on the assessment of her merit wherein she took into consideration the marks obtained by her in the M.A. Examination,as well as, in the M.Ed. examination is wholly misconceived, and is contrary to the mandate of the advertisement dated 21.10.2006.

For the reasons recorded hereinabove, we do not find any merit in the petition, and the same is hereby, accordingly, dismissed.

(J.S.Khehar)
Judge

(S.D.Anand)
Judge

December 08, 2006
arya